UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUL 12 2018

**CERTIFIED MAIL**
**RETURN RECEIPT REQUESTED**

REPLY TO THE ATTENTION OF:

Niki Chapin, EH&S Manager
PPG Industries, Inc. Cleveland
3800 N 143rd Street
Cleveland, Ohio 44111

Re: Notice and Finding of Violation
PPG Industries, Inc. Cleveland

Dear Ms. Chapin:

The U.S. Environmental Protection Agency is issuing the enclosed Notice and Finding of Violation (NOV/FOV) to PPG Industries, Inc. Cleveland (PPG or you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you are violating or have violated the Ohio State Implementation Plan and the National Emission Standard for Hazardous Air Pollutants Subpart HHHHH for Miscellaneous Coating Manufacturing at your Cleveland, Ohio facility as set forth in the NOV/FOV.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV/FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contacts in this matter are Gregory Gehrig and Shilpa Patel. You may call either at (312) 886-4434 or (312) 886-0120, respectively, to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

Edward Nam
Director
Air and Radiation Division

Enclosure

cc: Bob Hodanbosi, Ohio EPA
James Kavalec, Ohio EPA
David Hearne, Cleveland Dept. of Public Health

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

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| **IN THE MATTER OF:** | ) | |
| | ) | |
| **PPG Industries, Inc. Cleveland** | ) | **NOTICE AND FINDING OF** |
| **Cleveland, Ohio** | ) | **VIOLATION** |
| | ) | |
| Proceedings Pursuant to the Clean Air Act, | ) | **EPA-5-18-OH-13** |
| 42 U.S.C. §§ 7401 et seq. | ) | |
| | ) | |

## NOTICE AND FINDING OF VIOLATION

The U.S. Environmental Protection Agency finds that PPG Industries, Inc. Cleveland (PPG or you) is violating Section 112 of the Clean Air Act, 42 U.S.C. §§ 7410, 7412 and 7661 (the Act). Specifically, PPG is violating the Ohio State Implementation Plan (SIP), the associated Title V Permits and National Emission Standards for Hazardous Air Pollutants (NESHAP) for Miscellaneous Coating Manufacturing at 40 C.F.R. Part 63, Subpart HHHHH at the facility you own and operate, located at 3800 N 143rd Street, Cleveland, Ohio.

### Regulatory Authority

Ohio State Implementation Plan

1. On January 22, 2003, EPA approved Ohio Administrative Code (OAC) Rule 3745-31-05 as part of the federally-enforceable Ohio State Implementation Plan (SIP) with an effective date of March 10, 2003. 68 Fed. Reg. 2909.

2. OAC rule 3745-31-05(D)(1)(a) establishes that terms and conditions necessary to ensure compliance with requirements mandated by the Act, issued in a permit-to-install (PTI) or permit-to-install and operate (PTIO) or Federally Enforceable PTIO (FEPTIO), are federally enforceable.

Title V Permit Program

3. Title V of the Act, 42 U.S.C. §§ 7661-7661f, established an operating permit program for major sources of air pollution.

4. In accordance with Section 502(b) of the Act, 42 U.S.C. § 7661a(b), EPA promulgated regulations establishing the minimum elements of a Title V permit program to be administered by any air pollution control agency. *See* 57 Fed. Reg. 32295 (July 21, 1992). Those regulations are codified at 40 C.F.R. Part 70.

5. Section 502(d) of the Act, 42 U.S.C. § 7661a(d), provides that each state must submit to the EPA a permit program meeting the requirements of Title V.

6. On August 15, 1995, EPA granted Ohio final approval of its Title V Permit Program, effective October 1, 1995. 60 Fed. Reg. 42045.

7. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the Act, no source subject to Title V may operate except in compliance with a Title V permit.

8. 40 C.F.R. § 70.6(b)(1) provides that all terms and conditions in a Title V permit are enforceable by EPA.

9. The Ohio Environmental Protection Agency (OEPA) issued a final Air Pollution Title V Permit No. P0120567 for PPG effective on May 13, 2016 (Permit). The Permit supersedes Permit No. P0094207, issued on February 4, 2014.

10. Permit Conditions C.1.c.1 and C.2.c.1. require that, the average combustion temperature within the Regenerative Thermal Oxidizer (RTO) shall not be more than 50 degrees Fahrenheit (°F) below the average temperature during the most recent emissions test that demonstrated that the emissions unit was in compliance, for any 3-hour block of time (eight 3-hour blocks per day) when either (or both) Emissions Units, paint laboratory operations (K201) and paint manufacturing operations (P201), are in operation.

11. Permit Condition C.2.b.2.d. requires that volatile organic compound (VOC) emissions from equipment included within the paint manufacturing operations, including Emission Unit P201, be vented either directly or by means of a building or local area exhaust to a control system. The paint manufacturing operations in Buildings 9, 13, 15, 24, 29, 41, 47 and 52 are part of Emissions Unit P201.

12. Permit Condition C.2.c.2. requires that that any mixing or blending tank containing a paint material have a cover or lid that completely covers the opening of the tank, except for an opening no larger than necessary to allow for safe clearance for the mixer's shaft for Emission Unit P201. The tank shall be covered at all times in which the tank contains a paint material except when operator access is necessary to add ingredients or take samples.

National Emissions Standards for Hazardous Air Pollutants

13. Pursuant to Section 112(b) of the Act, 42 U.S.C. § 7412(b), EPA designates hazardous air pollutants (HAPs) which present or may present a threat of adverse effects to human health or the environment.

14. Section 112(c) of the Act, 42 U.S.C. § 7412(c), requires EPA to publish a list of categories of sources which EPA finds present a threat of adverse effects to human health or the environment due to emissions of HAPs, and to promulgate emission standards for each source category. These standards are known as "national emission standards for hazardous air pollutants," or "NESHAPs." EPA codifies these requirements at 40 C.F.R. Parts 61 and 63.

15. Section 112(i)(3) of the Act, 42 U.S.C. § 7412(i)(3), and 40 C.F.R. §§ 61.05 and 63.4, prohibit the owner or operator of any source from operating such source in violation of any NESHAP applicable to such source.

16. The NESHAP General Provisions, Subpart A at 40 C.F.R. § 63.6(e) require PPG to operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions.

17. 40 C.F.R. § 63.6(e)(3) requires that PPG develop a startup, shutdown and malfunction (SSM) plan that has a program of corrective action for malfunctioning air pollution control equipment.

18. 40 C.F.R. §63.2 defines "malfunction" as "any sudden, infrequent, and not reasonably preventable failure of air pollution control and monitoring equipment, process equipment, or a process to operate in a normal or usual manner which causes, or has the potential to cause, the emission limitations in an applicable standard to be exceeded. Failures that are caused in part by poor maintenance or careless operation are not malfunctions."

19. On December 11, 2003, EPA promulgated the NESHAP for Miscellaneous Coating Manufacturing at 40 C.F.R. Part 63, Subpart HHHHH (Subpart HHHHH) which applies to major sources of HAPs that produce coatings and are applicable to each miscellaneous coating manufacturing affected source. 40 C.F.R. §§ 63.7985 and 7990, 68 Fed. Reg. 69185.

20. Subpart HHHHH, at 40 C.F.R. § 63.8105, defines "in organic HAP service" as a piece of equipment that either contains or contacts a fluid (liquid or gas) that is at least 5 percent by weight of total organic HAP as determined according to the provisions of 40 C.F.R. § 63.180(d).

21. Subpart HHHHH, at 40 C.F.R. § 63.8105, defines "process vessel" as "any stationary or portable tank or other vessel with a capacity greater than or equal to 250 gallons and in which mixing, blending, diluting, dissolving, temporary holding, and other processing steps occur in the manufacturing of a coating."

22. Subpart HHHHH applies to all the process vessels and closed vent systems in organic HAP service at PPG for paint manufacturing operations, including Emission Units K201 and P201, which are miscellaneous coating manufacturing affected sources per 40 C.F.R. §§ 63.7985 and 7990. Permit Conditions C.1.b.1.e. and C.2.b.1.g.

23. Subpart HHHHH requires PPG to comply with Table 1, Emission Limits and Work Practice Standards, and Table 3, Requirements of Equipment Leaks, of the Subpart for Emission Unit units K201 and P201, where applicable. 40 C.F.R. §§ 63.8000(a)

24. Subpart HHHHH, at 40 C.F.R. § 63.8000(c)(1), requires that affected sources that reduce organic HAP emissions by venting emissions through a closed-vent system to any combination of control devices (except a flare) must ensure that HAP-containing vapors be collected and routed to a control device per 40 C.F.R. § 63.982(c).

25. "Closed vent system" is defined at 40 C.F.R. § 63.981 to mean "a system that is not open to the atmosphere and is composed of piping, ductwork, connections, and, if necessary, flow inducing devices that transport gas or vapor from an emission point to a control device."

26. "Control device" is defined at 40 C.F.R. § 63.981 to mean "a combustion device, recovery device, recapture device, or any combination of these devices used to comply with this subpart or a referencing subpart."

27. "Incinerator" is defined at 40 C.F.R. § 63.981 to mean "an enclosed combustion device that is used for destroying organic compounds. Auxiliary fuel may be used to heat waste gas to combustion temperatures."

28. Incinerators must meet the requirements of 40 C.F.R. § 63.996(c) to establish a range of monitored parameters that indicate proper operation.

29. Subpart HHHHH, at 40 C.F.R. § 63.8015 requires PPG to comply with the requirement for equipment leaks in Table 3, except as specified in paragraphs (b) through (d) of this section.

30. Affected sources that select Option 1 of Table 3 to Subject HHHHH – Requirement for Equipment Leaks shall meet the requirements of 40 C.F.R. §§ 63.424(a) through (d) and 428(e).

31. 40 C.F.R. § 63.424(a), states each owner or operator of a bulk gasoline terminal or pipeline breakout station subject to the provisions of this subpart shall perform a monthly leak inspection of all equipment in gasoline service. For this inspection, detection methods incorporating sight, sound, and smell are acceptable. Each piece of equipment shall be inspected during the loading of a gasoline cargo tank.

32. Subpart HHHHHH, at § 40 C.F.R. 63.8015(b), states the following exceptions to requirements in 40 C.F.R. § 63.424(a):

    a. When 40 C.F.R. § 63.424(a) refers to "a bulk gasoline terminal or pipeline breakout station subject to the provisions of this subpart", the phrase "a miscellaneous coating manufacturing affected source subject to 40 CFR part 63, subpart HHHHH" shall apply for the purposes of this subpart. 40 C.F.R. § 63.8015(b)(1):

    b. When 40 C.F.R. § 63.424(a) refers to "equipment in gasoline service," the phrase "equipment in organic HAP service" shall apply for the purposes of this subpart. 40 C.F.R. § 63.8015(b)(2).

    c. When 40 C.F.R. § 63.424(a) specifies that "each piece of equipment shall be inspected during loading of a gasoline cargo tank", the phrase "each piece of equipment must be inspected when it is operating in organic HAP service" shall apply for the purposes of this subpart. 40 C.F.R. § 63.8015(b)(3).

d. Equipment in service less than 300 hours per year, equipment in vacuum service, or equipment contacting non-process fluids is excluded from this section. 40 C.F.R. § 63.8015(b)(4).

33. 40 C.F.R. § 63.424(b) states that a log book shall be used and shall be signed by the owner or operator at the completion of each monthly inspection. A section of the log shall contain a list, summary description, or diagram(s) showing the location of all equipment in gasoline service at the facility.

34. 40 C.F.R. § 63.424(c) states that each detection of a liquid or vapor leak shall be recorded in the log book. When a leak is detected, an initial attempt at repair shall be made as soon as practicable, but no later than 5 calendar days after the leak is detected. Repair or replacement of leaking equipment shall be completed within 15 calendar days after detection of each leak, except as provided in paragraph (d) of this section.

35. 40 C.F.R. § 63.424(d) states that delay of repair of leaking equipment will be allowed upon a demonstration to the Administrator that repair within 15 days is not feasible. The owner or operator shall provide the reason(s) a delay is needed and the date by which each repair is expected to be completed.

36. 40 C.F.R. § 63.428(e) states that each owner or operator complying with the provisions of 40 C.F.R. § 63.424 (a) through (d) shall record the following information in the log book for each leak that is detected:

a. The equipment type and identification number.
b. The nature of the leak (i.e., vapor or liquid) and the method of detection (i.e., sight, sound, or smell).
c. The date the leak was detected and the date of each attempt to repair the leak.
d. Repair methods applied in each attempt to repair the leak.
e. "Repair delayed" and the reason for the delay if the leak is not repaired within 15 calendar days after discovery of the leak.
f. The expected date of successful repair of the leak if the leak is not repaired within 15 days.
g. The date of successful repair of the leak.

## Finding of Fact

37. PPG operates a miscellaneous coating manufacturing operation at a major source of HAPs. 40 C.F.R. § 63.7985.

38. Emission Units K201 and P201 contain process vessels in organic HAP service and are affected sources subject to the requirements NESHAP Subpart HHHHH. 40 C.F.R. §§ 63.7985 and 63.7990.

39. PPG uses a RTO to control VOC and HAP emissions from K201 and P201.

40. On November 5, 2013, Air Compliance Testing, Inc. conducted a performance test on the RTO. The test indicated emissions from the RTO were at or below 20 parts per million volume on a dry basis at an operating temperature of 1458 °F.

41. PPG uses a closed vent system to reduce organic HAP emissions.

42. On August 14, 2017, EPA conducted an inspection of PPG.

43. EPA utilized an optical gas imaging camera during the inspection and made the following observations:

    a. Uncaptured VOC and HAP emissions were coming from the agitators on the second level of Building 24. The process vessels associated with these agitators are part of Emission Unit P201.

    b. Uncaptured VOC and HAP emissions were coming from piping used for solvent recovery at Tank 3 in Building 47. The solvent recovery process is part of Emission Unit P201.

    c. Uncaptured VOC and HAP emissions were coming from an open portable mixing tank in Building 9 during mixing operations. This open portable mixing tank in Building 9 is part of Emission Unit P201.

44. On November 21, 2017, EPA submitted an information request to PPG per Section 114 of the Act. On February 20, 2018, PPG responded to this request. Information provided in this response included which compliance options PPG had selected to comply with Subpart HHHH, including:

    a. Process vessels must have a cover or lid in place at all times when the vessel contains a HAP, except for material additions and sampling. Table 1, option 1.a.

    b. Emissions of organic HAP with a vapor pressure $\geq$0.6 kPa must be reduced by $\geq$75 percent by weight, and emissions of organic HAP with a vapor pressure <0.6 kPa must be reduced by $\geq$60 percent by weight, by venting emissions through a closed-vent system to any combination of control devices. Table 1, option 2.b.i.

    c. Subpart HHHHH for equipment leaks which requires compliance with 40 C.F.R. §§ 63.424(a) through (d) and 428(e) as referenced in paragraphs 30 to 36. Table 3, option 1.a.

45. PPG's response also included the following information:

    a. Since at least May 5, 2015, the RTO was operated multiple times more than 50 °F below the operating temperature of 1458 °F while regulated material was being vented to the RTO.

b. A log book of the inspection of all equipment in organic HAP service, per 40 C.F.R. §§ 63.424(b) and 428(e) since at least June 30, 2013. This log book:

i. was not signed by the owner and operator at the completion of each inspection.
ii. did not contain a list, summary description or diagram showing the location of the all the equipment.
iii. did not record a date for each attempt at repair for five leak entries.
iv. did not identify the repair method for all leak repairs.
v. did not contain a record for an expected date of repair in any instance there was a delay of repair over 15 days.
vi. failed to document the monthly inspections of all equipment.

c. Building ventilation balance summaries for calendar years 2015 through 2017 for Buildings 9, 13, 15, 24, 29, 41, 47 and 52, all of which are included in Emission Unit P201. The summaries indicated suboptimal fan performance and building capture in these buildings since at least December 2015.

**Violations**

46. Since at least August 14, 2017, PPG failed to capture HAP emissions from the agitators in Building 24 and the pipe associated with Tank 3 in Building 47, in violation of Subpart HHHHH at 40 C.F.R. § 63.8000.c.1.

47. Since at least August 14, 2017, PPG failed to capture VOC emissions from the agitators in Building 24, the pipe associated with Tank 3 in Building 47 and the portable process mixing tanks in Building 9, in violation of Permit Condition C.2.b.2.d.

48. Since December 2015, PPG failed to adequately capture VOC emissions in Buildings 9, 13, 15, 24, 29, 41, 47 and 52, in violation of Permit Condition C.2.b.2.d.

49. Since at least August 14, 2017, PPG failed to cover at least one portable tank in the Building 9, in violation of Subpart HHHHH Table 1, Option 1.a and Permit Condition C.2.c.2.

50. Since at least May 5, 2015, PPG failed to maintain the required RTO temperature at various times when regulated material was being vented to the RTO, in violation of Permit Condition C.2.c.1 and NESHAP Subpart A at 40 C.F.R. § 63.6(e).

51. Since at least May 5, 2015, PPG failed to implement corrective action for low RTO temperatures in accordance with an SSM Plan, in violation of NESHAP Subpart A at 40 C.F.R. § 63.6(e)(3).

52. Since at least June 30, 2013, PPG failed to inspect or document the inspection of all equipment in HAP service, in violation of 40 C.F.R. §§ 63.424(a). and 428(e)1.

53. Since at least June 30, 2013, PPG failed to sign the leak inspection log book at the completion of each inspection in violation of 40 C.F.R. § 63.424(b).

54. Since at least June 30, 2013, PPG did not have a log book that contained a list, summary description, or diagram(s) showing the location of all the equipment in organic HAP service, in violation of 40 C.F.R. § 63.424(b).

55. Since November 4, 2013, PPG failed to attempt a repair within 5 calendar days of discovering a leak in nine instances, in violation of 40 C.F.R. § 63.424(c).

56. Since November 14, 2013, PPG failed to repair equipment leaks within 15 calendar days for leaks discovered for five instances, in violation of 40 C.F.R. § 63.424(c).

57. Since June 27, 2016, PPG failed to record a date for each attempt at repair for five instances, in violations of at 40 C.F.R. § 63.428(e).

58. Since September 27, 2013, PPG failed to identify the repair method for all leak repairs, in violation of 40 C.F.R. § 63.428(e).

59. Since June 27, 2016, PPG failed to record an expected date of repair for five instances, in violation of 40 C.F.R. § 63.428(e).

7/12/18
Date

Edward Nam
Director
Air and Radiation Division

## CERTIFICATE OF MAILING

I certify that I sent a Notice and Finding of Violation, No. EPA-5-18-OH-13, by Certified Mail, Return Receipt Requested, to:

Niki Chapin, EH&S Manager
PPG Industries, Inc. Cleveland
3800 N 143rd Street
Cleveland, OH 44111

I also certify that I sent copies of the Notice and Finding of Violation via email to:

Bob Hodanbosi
Ohio EPA
Chief, Division of Air Pollution Control
bob.hodanbosi@epa.ohio.gov

James Kavalec
Ohio EPA
Division of Air Pollution Control
james.kavalec@epa.ohio.gov

David Hearne
Cleveland Dept. of Public Health
dhearne@city.cleveland.oh.us

On the 13th day of July 2018

Kathy Jones
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7015 0640 0000 4596 5662